

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**GLORIA ANNETTE FORD**

**v.**

**MEDICAL CENTER OF MESQUITE,  
ET AL**

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**3-07-CV-678-L**

**FINDINGS, CONCLUSIONS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Pursuant to the District Court's order of reference filed on November 1, 2007, on this date came on to be considered Plaintiff's Motion to Proceed *In Forma Pauperis* on Appeal filed on October 29, 2007, and the magistrate judge finds and recommends as follows:

Plaintiff seeks to appeal this District Court's order entered on October 2, 2007, dismissing this case without prejudice pursuant to Rule 41(b), Federal Rules of Civil Procedure. Following the filing of the District Court's order of reference the undersigned directed Ms. Ford to execute and return an affidavit which more fully explained her present financial circumstances. Her declaration, under penalty of perjury executed on December 4, 2007, is before the court which reflects that she and her husband receive a total of approximately \$3,500.00 a month in retirement and disability benefits, that they own their residence at 1222 White Oak Dr. in Garland, Texas, which she values at \$125,000.00. They own three cars, one of which is only four years old and which Plaintiff values at \$15,000.00. The monthly expenses which she lists for herself and her husband are approximately \$300.00 less than their monthly income. Under all of the above circumstances the magistrate judge finds that Plaintiff is not a person entitled to proceed *in forma pauperis*.

**RECOMMENDATION:**

For the foregoing reasons it is recommended that the District Court enter its order denying

Plaintiff leave to appeal without payment of the appellate filing fee.

A copy of this recommendation shall be transmitted to Plaintiff.

SIGNED this 6th day of December, 2007.



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WM. F. SANDERSON, JR.  
UNITED STATES MAGISTRATE JUDGE

**NOTICE**

In the event that you wish to object to this recommendation, you are hereby notified that you must file your written objections within ten (10) days after being served with a copy of this recommendation. Pursuant to Douglass v. United Servs. Auto Ass'n, 79 F.3d 1415 (5<sup>th</sup> Cir. 1996) (en banc), a party's failure to file written objections to these proposed findings of fact and conclusions of law within such ten-day period may bar a de novo determination by the district judge of any finding of fact or conclusion of law and shall bar such party, except upon grounds of plain error, from attacking on appeal the unobjected to proposed findings of fact and conclusions of law accepted by the district court.